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**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

**[Docket No. PHMSA-2017-0122; Notice No. 2017-10]**

**Hazardous Materials: Emergency Waiver No. 4**

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of emergency waiver order.

**SUMMARY:** The Pipeline and Hazardous Materials Safety Administration is issuing an emergency waiver order to persons conducting operations under the direction of Environmental Protection Agency Region 2 or United States Coast Guard 7th District within the Hurricane Maria emergency and disaster areas of Puerto Rico and the United States Virgin Islands. This Waiver Order is effective September 22, 2017, and shall remain in effect for 30 days from the date of issuance.

**FOR FURTHER INFORMATION CONTACT:** Adam Horsley, Deputy Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, telephone: (202) 366-4400.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions of 49 U.S.C. 5103(c), the Acting Administrator for the Pipeline and Hazardous Materials Safety Administration (PHMSA), hereby declares that an emergency exists that warrants issuance of a Waiver of the Hazardous Materials Regulations (HMR, 49 CFR parts 171-180) to persons conducting operations under the direction of Environmental Protection

Agency (EPA) Region 2 (290 Broadway, New York, NY 10007-1866) or United States Coast Guard (USCG) 7th District (Brickell Plaza Federal Building, 909 SE 1st Avenue, Miami, FL 33131-3050) within the Hurricane Maria emergency and disaster areas of Puerto Rico and the United States Virgin Islands. The Waiver is granted to support EPA and USCG in taking appropriate actions to prepare for, respond to, and recover from a threat to public health, welfare, or the environment caused by actual or potential oil and hazardous materials incidents resulting from Hurricane Maria.

On September 18, 2017, the President issued an Emergency Declarations for Hurricane Maria for the Commonwealth of Puerto Rico (EM-3391) and the United States Virgin Islands (EM-3390). On September 20, 2017, the President issued a Major Disaster Declaration for the United States Virgin Islands (DR-4340).

This Waiver Order covers all areas identified in the declarations, as amended. Pursuant to 49 U.S.C. 5103(c), PHMSA has authority delegated by the Secretary (49 CFR 1.97(b)(3)) to waive compliance with any part of the HMR provided that the grant of the waiver is: (1) in the public interest; (2) not inconsistent with the safety of transporting hazardous materials; and (3) necessary to facilitate the safe movement of hazardous materials into, from, and within an area of a major disaster or emergency that has been declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*).

Given the continuing impacts caused by Hurricane Maria, PHMSA's Acting Administrator has determined that regulatory relief is in the public interest and necessary to ensure the safe transportation in commerce of hazardous materials while EPA and

USCG execute their recovery and cleanup efforts in Puerto Rico and the United States Virgin Islands. Specifically, PHMSA's Acting Administrator finds that issuing this Waiver Order will allow EPA and USCG to conduct their emergency support function under the National Response Framework to safely remove, transport, and dispose of hazardous materials. By execution of this Waiver Order, persons conducting operations under the direction of EPA Region 2 or USCG 7th District within the Hurricane Maria emergency and disaster areas of Puerto Rico and the United States Virgin Islands are authorized to offer and transport non-radioactive hazardous materials under alternative safety requirements imposed by EPA Region 2 or USCG 7th District when compliance with the HMR is not practicable. Under this Waiver Order, non-radioactive hazardous materials may be transported to staging areas within 50 miles of the point of origin. Further transportation of the hazardous materials from staging areas must be in full compliance with the HMR.

This Waiver Order is effective September 22, 2017, and shall remain in effect for 30 days from the date of issuance.

Issued in Washington, D.C.

**Drue Pearce,**

*Acting Administrator,*

*Pipeline and Hazardous Materials Safety Administration.*

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